

I hereby certify that this correspondence is being transmitted via The Office electronic filing system (EFS) in accordance with 37 CFR 1.6(a)(4).

Date of Electronic (EFS) Transmission: ____ October 2, 2007

Signature: ____/Yunling Ren/____ Name: YUNLING REN

Docket No.: **CCS 0202USCNT**

EFS Filing: October 2, 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Applicant(s): NAEFF, et al.

Confirmation No.: 4324

Application No.: 10/659,097

Group Art: 1615

Filing Date: September 10, 2003

Examiner: B. P. Barham

Title: ERYTHROPOIETIN LIPOSOMAL DISPERSION

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**PETITION FOR REVIVAL OF AN APPLICATION
FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

Note: A grantable petition requires the following items:

1. Petition fee;
2. Reply and/or issue fee;
3. Terminal disclaimer with disclaimer fee-required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
4. Statement that the entire delay was unintentional.

1. Petition fee

- ☐ Small entity fee \$_____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.
- ☒ Other than small entity fee \$1,500 (37 CFR 1.17(m)).

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office Action in the form of an AMENDMENT (identify type of reply):

- ☐ has been filed previously on _____
- ☒ is enclosed herewith.

B. The issue fee of \$_____

- ☐ has been paid previously on _____
- ☐ is enclosed herewith.

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$_____ for small entity or \$_____ for other than a small entity disclaiming the required period of time is enclosed herewith (See PTO/SB/63).
- ☒ A Terminal Disclaimer To Obviate A Double Patenting Rejection Over A "Prior" Patent is enclosed.

STATEMENT: The entire delay in filing the required reply, from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b), was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

Fee payment:

- ☒ Charge the petition fee of \$1,500.00 to Account 10-0750/CCS0202USCNT/YR and for any additional fee required.
- ☐ A check in the sum of \$_____ is attached.
- ☒ Charge Account 10-0750/ CCS0202USCNT/YR for any additional fee required.

Respectfully submitted:

/Yunling Ren/
YUNLING REN
Reg. No.: 47,019
Attorney for Applicant(s)

Customer No.: 27777
JOHNSON & JOHNSON
One Johnson & Johnson Plaza
New Brunswick, NJ 08933
Tel. No.: (732) 524-3385
Date: October 2, 2007
EPM

Enclosures: ☒ Fee Payment

- ☒ Reply
- ☐ Terminal Disclaimer Form
- ☐ Additional Sheets containing statements establishing unintentional delay
- ☐ Other: _____